# Army Policy and Procedures for Proper Use of Non-DoD Contracts

Presented to:

**Army Requiring Activities**

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# Overview

- Army Policy Procedures
- Direct Acquisition Procedures
- Assisted Acquisition Procedures
- Reporting
- Army Contracts
- Closing

# Army Policy Procedures

- Follows DoD Policy
- Requires a designated Army/DoD Contracting Office
- Requires the Head of Requiring Activity 06/GS15 or higher to certify documentation is complete
- Requiring activities prepares certify documentation with assistance from the contracting officer, legal counsel & certifying officer

# Army Policy Procedures
## Continued

## Requiring Activity Certification Documentation:

- Best interest of the Army – Factors to consider:
  - Satisfying customer requirements
  - Price/Cost effectiveness
    - » Discounts, fees and best value
  - Delivery schedule
  - Justification for use of non-DoD contract vehicle
  - Statement on non-availability of a suitable DOD contract
  - Contract Administration
  - Socio-economic opportunities
  - Any other applicable factors (FAR Part 7, DFARS Part 207)

# Direct Acquisition Procedures

- Army contracting officer to determine applicability of scope of work when executing request
- Includes DoD-unique statutes and regulations
- Obtain certification that funds are legal and proper
- When scope of work can't be determined by review of GSA schedule, obtain in writing from GSA contracting officer that work is within scope of contract
- Legal review required of all services over SAT

# Assisted Acquisitions

- Requiring Activity prepares all documentation, maintain copy and send copy to non-DoD Agency
- Coordination with Army/DoD Contracting Officer, Legal Counsel & certifying official that authorizes use of Army/DoD funds
- Seek advise from Army/DoD Contracting Office on:
  - Various contractual options
  - Unique DoD terms and conditions to incorporate into order or contract

. Army Legal Counsel review <u>required</u> on all orders over SAT

# Assisted Acquisitions
## Continued

- Obtain written statement from Non-DoD Agency Contracting Officer that supplies and/or services are within the scope of the contract
- Certify that funds are legal & proper
- Provide a method for monitoring usage of funds by type and fiscal year
- Certification on the funding authorization document

# Assisted Acquisition
## Continued

### Requiring Activity Certification

- Certification on the funding authorization document to state:

  "This requirement has been processed in accordance with Section 854 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375) and the Army Policy memorandum on Proper Use of Non-Department of Defense Contracts, dated July 12, 2005. The order is properly funded (correct appropriation and year), and it is in compliance with Army procedures for placement of orders on the Army's behalf by a non-DoD organization. Reference ASA(ALT) website."

# Assisted Acquisitions Data Collection and Analysis

- Requiring activity will manage the collection of data for assisted acquisitions and obtain data from non-DoD contracting officer and report to HQDA – SAAL-PP via e-mail PSStaff@hqda.army.mil
- Requiring activity will maintain documentation, files and their reports
- Future revise FPDS-NG to collect data

# Assisted Acquisition Summary Report

## ARMY ASSISTED ACQUISITION SUMMARY REPORT

**FROM:**
**Report ending:**

| Program Office/Requiring ActivityDODAAC | Total number of contracts and/or orders awarded over $100,000 per funding authorization document | Operating Agency Code & Funding Authorization Document Number | Assisting Agency Code | Funding Amount/ Funding Type (OMA, OPA, etc.)/Year of Funding | Actual fee or service charge paid to assisting agency (nearest whole dollar) | Dollars Obligated (nearest whole dollar) (include fee/service charges paid | Supply/Service Code |
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| | TOTAL ACTIONS | | | | Total Fee Dollars Inclusive of fees paid for workyears | TOTAL DOLLARS | |

# Army Contracts
# Army Small Computer Program (ASCP)

- Computing services **-** Section 6-2 of AR 25-1
  - Centralized IT contracts
  - Primary office for the acquisition of IT hardware for the Army.
  - All IT hardware purchases must be submitted to the ASCP office.
  - If the ASCP office is incapable of fulfilling a request, a waiver will be granted allowing the purchaser to acquire the IT hardware from another GSA source.
- Website https://ascp.monmouth.army.mil/scp/index.jsp
- POC is Michelina LaForgia, Assistant Project Manager, Army Small Computer Program  Tel: 732-427-6791 Fax: 732-427-6762, Email: michelina.laforgia@us.army.mil

# Closing

- GAO, DODIG, AAA audits will continue
- Certification and Documentation
- Ask your designated contracting office, legal counsel and finance personnel for advice
- Requiring Activity submit annual report to HQDA SAAL-PP
- Army Policy memo: Proper use of Non-DoD Contracts at website https://webportal.saalt.army.mil/saal-zp/armypolicyuse of non-dodcontracts.pdf
- Review FY2005 funds

# BACK-UPS

# Assisted Acquisition
# Individual Report Format
# Program Office/Requiring Activity

**Program Office/Requiring Activity**
**-*Organization DODAAC**
**- Maintain documentation sent to the Non-DoD Contracting Office (Assisting Agency)**
**Requirement (Supply/Service)**
**- Description of supply or service**
**-*Funding (amount, type of funds (OMA,OPA, etc), fiscal year)**
**-*Federal Supply Group, Federal Supply Class, or Federal Service**
**- North American Industry Classification System (NAICS) Code**
**Requirement Identification**
**-*Operating Agency Code from the Standard Army Accounting Classification**
**-*Document control number (funding authorization document)**
**- Document date**
**-*Dollars obligated (include fee/service charge paid)**
**-*Fee or service charge paid to assisting agency**
**- Type of action (new requirement; change; funding document, etc.)**
**- Factors for use of non-DoD contract vehicle**
**- Decision Authority and decision date**
**Assisting Agency**
**-*Assisting Agency Code**
**- Contracting Office (Agency name, address)**
**- Contracting Officer (name, contact information)**
**- Contract number(s) / delivery or task order number(s)**
**- Copy FPDS Report prepared and submitted by the Assisting Agency**

***To be included in the Army Assisted Acquisition Summary Report***